

**REGULAR MEETING
ENFORCEMENT AND RESOURCE PROTECTION
APRIL 15, 2009 – 3:00 P.M.
TRIBAL OFFICE BOARDROOM**

1. Secretary Mary Wayka called the meeting to order at 3:12 p.m. Roll call was taken with a quorum present. MEMBERS PRESENT: Mary Wayka, Walter Cox, Mark Waukau, Toni Caldwell, Robert Summers, Lynnette Miller, and Jonathan Pyatskowit. MEMBERS ABSENT: Kenneth A. Fish (unexcused), Eugene Caldwell (excused), and Barb Nelson (excused). Also present: Jeremy Johnson, Diana Taubel, Chris Caldwell, Lindzey Grall, and Linda Peters, recorder.

2. Moment of Silence. A moment of silence was observed.

3. Approval of Minutes dated March 18, 2009.

No corrections were necessary.

Motion made by Walter Cox to approve the minutes of the Enforcement and Resource Protection Committee dated March 18, 2009. Second was by Robert Summers. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 1 abstention (L. Miller), and 3 absent (Fish, E. Caldwell, and Nelson).

Please note: Lynnette Miller qualified her abstention as follows: “not present”.

4. Invasive Species-Gypsy Moth Spraying: Discussion/Recommendations

Chris Caldwell and Jeremy Johnson were present to request approval for the Gypsy Moth Spraying. The Committee was provided information on the 2 processes that the Tribe has for pesticide use; a map showing the area that will be sprayed (non-sustain yield lands); and the motion from last year that approved the gypsy moth spraying

There are two kinds of treatments: BT and GYPCHECK. Mr. Johnson informed the Committee that Menominee County uses the GYPCHECK treatment, because it is safer to the native moths and butterflies. GYPCHECK is more effective on the Gypsy Moth Spraying. The treatment will not be sprayed directly over water.

Mr. Johnson will resubmit another notification article in the Menominee Nation News and the Shawano Evening Leader giving an approximate time that the spraying will occur. Only an approximate time can be given as staff will have to watch the larva and leaf development in the trees to determine when the spraying should begin.

Motion made by Walter Cox to recommend to the Legislature to approve the treatment spraying for Gypsy Moths in the Legend Lake and Moshawquit Lake areas. Second was by Jonathan Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, E. Caldwell, and Nelson).

5. Parking Permits: Discussion and Recommendations

Kenneth A. Fish was not available to present this item.

Motion made by Lynnette Miller to table this item. Second was by Mark Waukau. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, E. Caldwell, and Nelson).

6. Amendment to Ordinance # 79-34 License and Registration of Vehicles:
Discussion and Recommendations

Kenneth A. Fish was not available to present this item.

Motion made by Lynnette Miller to table this item. Second was by Mark Waukau. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, E. Caldwell, and Nelson).

- 7. Amendment to Ordinance # 81-16-Dogs: Discussion/Recommendations
- 8. Amendment to Ordinance # 02-27-Dangerous Dogs: Discussion/Recommendations

The Legal Department will work with the Animal Control Officer to get these amendments to the Committee for discussion and recommendations.

Motion made by Walter Cox to table items # 7 and # 8 until the next meeting. Second was by Toni Caldwell. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, E. Caldwell, and Nelson).

9. License and Permits: Discussion/Recommendation on increasing the fees.

Diana Taubel informed the Committee of the proposed increases to the following ordinances: Fireworks, Bingo, Rafting, Dog Fees, Motor Vehicle Fees, and Food Handling. She also provided comparison's from the Oneida, Stockbridge and the State of Wisconsin on what their fee schedule's are.

The only Ordinance that has the language that allows recommended increases without amending the Ordinance is # 86-11. Mrs. Taubel will be working with the Legal Department to get the language in all of the named ordinances so that increases can be done by Legislative motion.

The Committee suggested that Mrs. Taubel should look at the Debt Collection Ordinance in order to collect the fees that are owed to the Tribe.

Who is supposed to be notified if there is some type of violation? These are not criminal, but civil violations and this question will be sent to the Legal Department for interpretation, clarification and process. Lindzey Grall will be provided the packet information.

Motion made by Toni Caldwell to recommend to the Legislature to approve the recommend increase in Ordinance #86-11 Food Handling Ordinance from \$15.00 to \$30.00 for an annual permit and an increase for a temporary permit from \$10.00 to \$20.00 as recommended from the License and Permit Department. Second was by Lynnette Miller. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, E. Caldwell, and Nelson).

Motion made by Walter Cox to request that the Legal Department provide the Committee an interpretation, clarification and process to the Ordinances (Fireworks, Bingo, Rafting, Dog Fees, Motor Vehicle Fees, and Food Handling). Second was by Robert Summers. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, E. Caldwell, and Nelson).

10. Amendment to Ordinance #97-13 – All Terrain Vehicle Regulations:
Discussion/Recommendations

Walter Cox informed the Committee that the Workgroup will meet again on May 1, 2009 and will forward the amendment to the Committee for discussion and recommendations.

Motion made by Walter Cox to table this item. Second was by Robert Summers. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, E. Caldwell, and Nelson).

11. Extradition Ordinance: Discussion/Recommendations

Kenneth A. Fish was not available to present this item.

Motion made by Lynnette Miller to table this item until next month. Second was by Robert Summers. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, E. Caldwell, and Nelson).

12. Alternative Jail – Survival Camp

Kenneth A. Fish was not available to present this item.

Motion made by Toni Caldwell to table this item. Second was by Lynnette Miller. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, E. Caldwell, and Nelson).

13. Draft Ordinance 09 - _____ : Solicitation

The Legal Department currently is working on providing the Committee with the Draft Ordinance.

Motion made by Lynnette Miller to table this item until the Draft is ready. Second was by Walter Cox. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, E. Caldwell, and Nelson).

14. Amendment to Gang Ordinance # 96-09 – Discussion/Recommendations

The Gang Task Force has been going into the communities and educating individuals about gangs and their effects. The Tribe is currently utilizing the gang enhancer for certain crimes, and there are cases moving forward in the Tribal Court system.

Motion made by Mark Waukau to remove this item from the agenda as the Tribe is working on alleviating the situation. Second was by Walter Cox. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, E. Caldwell, and Nelson).

15. Monthly Narratives

No comments were made.

16. Other Business

Walter Cox informed the Committee that Menominee Sturgeon Re-Introduction Committee has been working on getting the sturgeon past the Shawano Dam and back to the Reservation. The Sturgeon Re-Introduction Committee has assigned Mr. Cox to hire a consultant to develop a public participation plan. Before the DNR will agree to that, is to have a plan that involves all the stakeholders (Sturgeons for Tomorrow, WDNR, Legend Lake Association, are some of the stakeholders) to agree to this, and the WDNR wants the Tribe to bankroll this.

The Committee suggested that Mr. Cox contact his ASO and get a waiver on the cost containment plan in order to have the Committee review the packet information towards this Public Participation Plan at the next meeting.

Years ago, the owner of the Dam was supposed to have put steps on the Dam in order for the sturgeon to get to our waters. More research will be done on this topic.

The next meeting is scheduled for April 22, 2009 at 3:00 p.m.

17. Adjournment

Motion made by Lynnette Miller to adjourn the meeting. Second was by Jonathan Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions and 3 absent (Fish, E. Caldwell, and Nelson).

Meeting adjourned at 3:55 p.m.

Respectfully submitted by,

Linda Peters, recorder
Chairman's Office